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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/445,085	12/02/1999	KATSUTOSHI SAKAO	SONYJP3.3-0	9445

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EXAMINER

ARMSTRONG, ANGELA A

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/445,085	<b>Applicant(s)</b> SAKAO ET AL.	
	<b>Examiner</b> Angela A Armstrong	<b>Art Unit</b> 2654	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 January 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 50-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 50-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. In view of the Appeal Brief filed on January 21, 2005, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2)

Applicant argues that a person having ordinary skill in the art of integrated receiver decoders would not normally consider the teachings of Logan. The Examiner disagrees and argues Logan specifically teaches other information storage, processing and communications schemes can be used in the system, including cable modem and satellite links (col. 7, lines 41-66). Further, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Townsend was cited for teaching

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the specifics of the other possible information storage, processing and communications schemes to include an integrated receiver decoder (IRD) or a MPEG audio decoder.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 50-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan et al (US Patent No. 6,199,076) in view of deCarmo (US Patent No. 5,838,996) and further in view of Townsend et al (US Patent Application No. 2002/0042918).

3. Regarding claim 50, Logan teaches a receiver for receiving compressed digital data as converting received digital signals to analog for use with a speaker (col. 4, lines 55-59) and storing the received data on a replaceable media (col. 7, lines 63-66)

Additionally, Logan teaches a decoder for decoding the received compressed digital data to provide decoded digital data as a stereo codec at col. 4, lines 55-56

Additionally, Logan teaches compressed data of a plurality of contents at col. 5, lines 55- col. 6, lines 5 in which Logan teaches that the compressed data consists of audio programs, announcements, text, image, advertising segments and program catalog information and col. 44,

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lines 5-48 in which Logan teaches of Audio Programming with HTML which allows for interactively browsing audio programs with synchronized images, conversion of HTML to synthetic speech, and viewing and printing of narrative text.

Logan teaches a first output terminal for providing the compressed digital data to an external device through a bi-directional data communication line at col. 4, line 46-50.

Logan teaches a second output terminal for providing the decoded digital data to the external device through a one-way data communication line at col. 7, lines 63-66.

Logan does not specifically teach a controller that determines which type of data to provide to an external device as a function of a connection state with the external device. However, selectively providing data type to a device as a function of the device capabilities was well known in the art.

In a similar field of endeavor, deCarmo teaches a system for determining presence of hardware decompression and selectively enabling hardware-based and software-based decompression, which can dynamically choose between hardware and software compression/decompression so as to maximize the usage of an digital signal device hardware capabilities (Abstract, Figures 2-4).

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the system of Logan to implement a controller for controlling the type of data output to external devices, as provided by deCarmo, for the purpose of ensuring that the transmitted data can be fully utilized at the receiver by maximizing the usage of an digital signal device hardware capabilities.

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Logan teaches other information storage, processing and communications schemes can be used in the system, including cable modem and satellite links (col. 7, lines 41-66).

Logan does not teach the specifics of the other possible information storage, processing and communications schemes to include an integrated receiver decoder (IRD) or a MPEG audio decoder.

Townsend teaches a receiver for receiving video signals comprising video data and information data which provides for a digital integrated receiver decoder to receive signals from a satellite, a video recorder, a personal computer, descrambling of signals that are input to a video decompression and processing circuit and an audio decompression and processing circuit, and MPEG decoding (paragraphs 0035 and 0037-0039).

It would have been obvious to one of ordinary skill at the time of the invention to modify the system of Logan to implement other possible information storage, processing and communications schemes to include an integrated receiver decoder (IRD) or a MPEG audio decoder, for the purpose of providing the user the capabilities to access and store a plurality of data formats in a plurality of environments.

Regarding claim 51, Logan teaches converting the received digital signals to analog for use with a speaker (col. 4, lines 55-59).

Regarding claim 52, receiving compressed digital data and additional information at col. 5, lines 55-col. 6, lines 5, wherein the additional information includes images (col. 6, lines 1-3; col. 5, lines 55-59), character information (col. 4, lines 46-50, col. 5, line 55 – col. 6, line 5), compressed tunes (col. 5, lines 55-63) and the audio data and additional information are distributed through digital broadcast (col. 40, lines 18-21).

Regarding claims 59-62, Logan teaches other information storage, processing and communications schemes can be used in the system, including cable modem and satellite links (col. 7, lines 41-66).

Logan does not teach the specifics of the other possible information storage, processing and communications schemes to include an integrated receiver decoder (IRD) or a MPEG audio decoder.

Townsend teaches a receiver for receiving video signals comprising video data and information data which provides for a digital integrated receiver decoder to receive signals from a satellite, a video recorder, a personal computer, descrambling of signals that are input to a video decompression and processing circuit and an audio decompression and processing circuit, and MPEG decoding (paragraphs 0035 and 0037-0039).

It would have been obvious to one of ordinary skill at the time of the invention to modify the system of Logan to implement other possible information storage, processing and communications schemes to include an integrated receiver decoder (IRD) or a MPEG audio decoder, for the purpose of providing the user the capabilities to access and store a plurality of data formats in a plurality of environments.

Regarding claims 54-56, 58, and 63-66, claims 54-56, 58, and 63-66 are similar in scope and content to claims 50-52 and 59-62, and are therefore rejected under similar rationale.

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4. Claims 53 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan et al (US Patent No. 6,199,076) in view of deCarmo (US Patent No. 5,838,996) and Townsend et al (US Patent Application No. 2002/0042918), as applied to claims 50 and 54 above, and in further view of well known prior art.

5. Regarding claims 53 and 57, Logan Townsend, and deCarmo teach everything as claimed in claims 50 and 54. The combination does not specifically teach that the controller carries out control so that a connection for providing the received compressed digital data to an external device is preferentially selected. However, preferentially providing compressed data to an external device was well known in the art as a mechanism for reducing data storage requirements.

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to preferentially provide compressed data to an external device in the audio distribution system of Logan, for the purpose of reducing data storage requirements, as was well known in the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela A Armstrong whose telephone number is 571-272-7598. The examiner can normally be reached on Monday-Thursday 11:00-8:30 PM.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 571-272-7602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Angela A Armstrong  
Examiner  
Art Unit 2654

AAA  
April 1, 2005

*Angela Armstrong*